

**§7855. Fire safety inspection for residential care facilities**

**1. Inspection required.** A license may not be issued by the department to a residential care facility until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections. This statement must indicate that the residential care facility has complied with applicable fire safety provisions referred to in Title 25, section 2452.

[PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

**2. Fees.** The department shall establish and pay reasonable fees to the Commissioner of Public Safety or a municipal official for each inspection under subsection 1.

[PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

**3. Local regulations.** A local regulation that affects the life-safety requirements of a residential care facility and that is more stringent than those referred to in this section takes precedence.

[PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

**4. Requirements for residential care facilities.** Residential care facilities must comply with the chapters of the National Fire Protection Association Life Safety Code relating to new and existing residential board and care occupancies adopted by the Commissioner of Public Safety. Residential care facilities must comply as follows.

A. A residential care facility that has one to 3 beds must comply with the one-family and 2-family dwelling chapter of the Life Safety Code. [PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

A-1. A residential care facility with 4 to 6 beds whose residents have prompt evacuation capability, as defined in the Life Safety Code, must comply with the one-family and 2-family dwellings chapter of the Life Safety Code if that residential care facility was licensed under that chapter prior to October 1, 2002. [PL 2003, c. 398, §1 (NEW).]

A-2. [PL 2003, c. 510, Pt. G, §1 (NEW); PL 2003, c. 510, Pt. G, §3 (AFF); PL 2003, c. 599, §16 (AFF); MRSA T. 22 §7855, ¶ A-2 (RP).]

B. Except as provided in paragraph A-1, a residential care facility with 4 to 16 beds must comply with the sections of the Life Safety Code that apply to small facilities and with the chapter relating to new residential board and care occupancy if that facility is a facility that was constructed on or after July 25, 2002 or with the existing residential board and care occupancy chapter if that facility was licensed before July 25, 2002. [RR 2003, c. 2, §80 (COR).]

C. A residential care facility with more than 16 beds must comply with the sections of the Life Safety Code that apply to large facilities and with the chapter relating to new residential board and care occupancy if that facility is a facility constructed on or after July 25, 2002 or with the chapter relating to existing residential board and care occupancy if that facility was licensed before July 25, 2002. [PL 2003, c. 398, §1 (AMD).]

D. Notwithstanding any other provision of law or rule a residential care facility with 4 or fewer beds is not required to obtain certification from a design specialist to satisfy the requirements of this section or Title 5, section 4594-F. [PL 2003, c. 398, §1 (NEW).]  
[RR 2003, c. 2, §80 (COR).]

**5. Fire safety inspection and certificate of compliance required for licensure.** A fire safety inspection must be performed and a certificate of compliance must be provided to the department before a license to a residential care facility is issued. Inspections must be scheduled to coincide with the term of the license.

[PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

**6. Timed drills.** Timed drills, as described in the applicable chapters of the National Fire Protection Association Life Safety Code, must be used to determine a residential care facility's capability to evacuate its residents, unless the facility has elected to complete evacuation scores in lieu of timed drills in accordance with the standards described in the National Fire Protection Association Life Safety Code 101A or when timed drills are not required pursuant to the Life Safety Code. When a new resident has participated in a timed drill in another residential care facility within the previous 2 months, the results of that drill may be used to determine evacuation capability in the resident's new facility for a period of up to 4 months. A person who violates or fails to comply with this subsection commits a civil violation for which a forfeiture of not more than \$25 per bed for each occurrence of failure to comply may be adjudged.

[PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

**7. Requirement for manual fire alarm activation may be waived.** For a residential care facility with 4 to 8 beds, the requirement for manual fire alarm activation may be waived at the discretion of the Commissioner of Public Safety.

[PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

#### SECTION HISTORY

PL 2001, c. 596, §A1 (NEW). PL 2001, c. 596, §B25 (AFF). PL 2003, c. 398, §1 (AMD). PL 2003, c. 510, §§G1,2 (AMD). PL 2003, c. 510, §G3 (AFF). PL 2003, c. 599, §16 (AFF). RR 2003, c. 2, §80 (COR).

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